

FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Market Disputes Resolution Division
445 12th St., S.W.
Washington, DC 20554

December 15, 2015

U.S. Mail and E-mail

Keith Buell
12502 Sunrise Valley Drive
VARESA 0209
Reston, VA 20196
keith.buell@sprint.com

R. Dale Dixon, Jr.
Law Offices of Dale Dixon
402 W. Broadway, Suite 1500
San Diego, CA 92101
dale@daledixonlaw.com

Bret Lawson
Sprint
6450 Sprint Parkway
Overland Park, KS 66251
bret.lawson@sprint.com

Counsel for North County
Communications Corporation

Philip R. Schenkenberg
Briggs and Morgan, P.A.
2200 IDS Center
80 South 8th Street
Minneapolis, MN 55402
pschenkenberg@briggs.com

Curtis L. Groves
Verizon
1320 N. Courthouse Road
Arlington, VA 22201
curtis.groves@verizon.com

Counsel for Verizon

Counsel for Sprint Communications
Company, L.P.

Re: *Sprint Communications Company L.P. v. North County Communications Corp.*,
EB Docket No. 14-223, File No. EB-14-MD-014

Dear Counsel:

On November 20, 2015, the parties submitted a Joint Status Report recommending how this formal complaint proceeding, which stems from a primary jurisdiction referral from the United States District Court for the Southern District of California, should proceed in light of the parties' appeal of the District Court's Findings of Fact and Conclusions of Law issued on September 11, 2015, and Judgment entered on September 28, 2015. *See Joint Status Report of the Parties to Sprint Communications Co. L.P. v. North County Communications Corp., File No. EB-14-MD-014*, Docket Number 14-223, File No. EB-14-MD-014, (Joint Status Report). In the

Joint Status Report, Sprint Communications Co. L.P. (Sprint) questions whether the Commission has any authority to proceed with the case because the District Court “entered final judgment and closed the case.” Joint Status Report at 2. Alternatively, Sprint argues that the Commission should enter judgment in its favor and not await the outcome of the appeal, because the appeal “does not act to stay the effectiveness of the [District Court’s] *Findings and Conclusions*.” *Id.* at 3. In contrast, North County Communications Corp. (NCC) disagrees that the Commission lacks jurisdiction and maintains that the Commission should stay the case pending the appeal “[i]nstead of requiring the parties and the Commission to spend valuable time and other resources prosecuting and defending the referral issues.” *Id.* at 6.

We agree with NCC and are therefore staying this case until the District Court’s Findings of Fact and Conclusions of Law and Judgment become final and non-appealable. Because many of the District Court’s findings are relevant to the issues before us (*see* Joint Status Report at 3-4), proceeding with the case here prior to the conclusion of the appeal potentially would be a waste of the parties’ and the Commission’s resources.

This letter ruling is issued under Sections 4(i), 4(j), and 208 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, Sections 1.3 and 1.720-1.736 of the Commission’s rules, 47 C.F.R. §§ 1.3, 1.720-1.736, and the authority delegated in Sections 0.111 and 0.311 of the Commission’s rules, 47 C.F.R. §§ 0.111, 0.311.

Sincerely,

A handwritten signature in blue ink that reads "Lisa B. Griffin / ASD".

Lisa B. Griffin
Deputy Chief, EB/MDRD